

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling**

JAMES TYRELL LUCAS,

Plaintiff,

v.

Civil Action No. 5:21-CV-194
Judge Bailey

**RSAT PROGRAM,
RSAT PROGRAM DIRECTOR
ST. MARY CORRECTIONAL CENTER
MS. NICHOLS, Leader of the RSAT Program,
and MS. KIMBERLY, Leader of the RSAT
Program,**

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

The above referenced case is before this Court upon the magistrate judge's recommendation that plaintiff's complaint be dismissed with prejudice under 28 U.S.C. § 1915(e) because he has no chance of success at receiving the relief requested and deny as moot plaintiff's Motion to Proceed *in forma pauperis*. See [Doc. 8].

This Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. *Thomas v. Arn*, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C.

§ 636(b)(1) waives the right to raise those objections at the appellate court level. *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984). No objections have been filed to the magistrate judge's report and recommendation.

A *de novo* review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's report and recommendation [Doc. 8] is **ADOPTED**, and plaintiff's State Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 [Doc. 1] is **DISMISSED WITH PREJUDICE**. Moreover, plaintiff's Motion to Proceed *in forma pauperis* [Doc. 2] is **DENIED AS MOOT**. This Court further **DIRECTS** the Clerk to enter judgment in favor of the respondent and to **STRIKE** this case from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record and to mail a copy to the *pro se* plaintiff.

DATED: February 11, 2022.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE